

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

Jenny Ayala Perez,

Plaintiff,

v.

No. 4:21-cv-0594-P

**KILOLO KIJAKAZI, ACTING SOCIAL
SECURITY ADMINISTRATION COMMISSIONER,**

Defendant.

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND
RECOMMENDATION OF THE
UNITED STATES MAGISTRATE JUDGE**

United States Magistrate Judge Jeffrey L. Cureton made Findings, Conclusions, and a Recommendation (“FCR”) in this case. ECF No. 25. The FCR included the finding and conclusion that the Administrative Law Judge (“ALJ”) harmlessly erred by failing to properly assess the opinions of one of Plaintiff Jenny Ayala Perez’s treating physicians, Dr. Jordan Sudberg. Perez timely objected to Judge Cureton’s recommendation that this Court find the ALJ’s error harmless. ECF No. 27 at 1–2. Having reviewed de novo the objected-to parts of Judge Cureton’s FCR, the Court concludes that the objection is meritless, so it is overruled. The FCR is adopted in full, and the ALJ’s decision is affirmed.

Perez’s arguments are essentially the same as those she presented to Judge Cureton. *Compare* ECF Nos. 22 at 17–21 and 24 at 3–5 *with* ECF No. 27 at 2–3.¹ Accordingly, Judge Cureton has already considered these arguments, and the Court is “not obligated to address objections [which are merely recitations of the identical arguments made before the

¹Also, the Commissioner’s responsive brief, to which Perez replied, contained a harm analysis much like Judge Cureton’s. *See* ECF No. 23 at 5–7.

magistrate judge] because . . . such objections undermine the purpose of the Federal Magistrate's Act, 28 U.S.C. § 636, which serves to reduce duplicative work and conserve judicial resources." *Owens v. Comm'r of Soc. Sec.*, 1:13-47, 2013 WL 1304470, at *3 (W.D. Mich. Mar. 28, 2013) (citing *Howard v. Sec'y of Health & Human Servs.*, 932 F.2d 505, 509 (6th Cir. 1991); *Nickelson v. Warden*, No. 1:11-cv-334, 2012 WL 700827, at *4 (S.D. Ohio Mar. 1, 2012)); *see also Camardo v. Gen. Motors Hourly-Rate Emps. Pension Plan*, 806 F. Supp. 380, 382 (W.D. N.Y. 1992) (holding that recitations of nearly identical arguments are insufficient as objections and constitute an improper "second bite at the apple").

Nevertheless, the District Judge reviewed Plaintiff's objection in accordance with 28 U.S.C. § 636(b)(1). And having reviewed *de novo* the FCR, record, and objection, the undersigned District Judge determines that the Findings and Conclusions of Magistrate Judge Cureton are correct. Accordingly, Perez's Objection is hereby **OVERRULED**. Judge Cureton's Recommendation is hereby **ADOPTED**, the Social Security Commissioner's final decision is **AFFIRMED**, and this action is **DISMISSED**.

SO ORDERED on this 19th day of September 2022.



MARK T. PITTMAN

UNITED STATES DISTRICT JUDGE